

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**VIVIAN ROGERS**

**PLAINTIFF**

**V.**

**NO. 1:16CV00224-JMV**

**COMMISSIONER OF SOCIAL SECURITY**

**DEFENDANT**

**ORDER ON PETITION FOR ATTORNEY'S FEES**

Before the court are Plaintiff's motion [17] for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and Defendant's response [18].

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Judgment [16] dated September 19, 2017, this court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney's fees in the amount of \$5,040.00 for 28.8 hours of attorney time before this court at a rate of \$175.00 per hour on the grounds that she was the prevailing party and the Commissioner's position was not "substantially justified." The Acting Commissioner responds that there is no objection to the request for fees. Therefore, the Court finds the requested amount is reasonable, and no special circumstances would make this award unjust.

**THEREFORE, IT IS ORDERED:**

That the Acting Commissioner shall promptly pay to Plaintiff a total of \$5,040.00 in attorney's fees and expenses for the benefit of counsel for Plaintiff.

This, 30th day of November, 2017.

/s/ Jane M. Virden  
U. S. MAGISTRATE JUDGE